

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

LINDA JOHNSON, WHITNEY McNEIL,)
ROGELIO B. MENDOZA, On behalf of)
THEMSELVES and All Others Similarly)
Situated,)
Plaintiffs,)
v.) No. 2:07-CV-51
KOCH FOODS, INC.,)
Defendant.)

ORDER

For the reasons stated in the memorandum opinion filed contemporaneously with this order, “Plaintiffs’ Motion for Summary Judgment” [doc. 99] is **DENIED**.

“Koch Foods, LLC’s Motion for Summary Judgment on Count I (All Claims Except Plaintiffs’ Claim for Compensation for Meal Period Time)” [doc. 93] is **GRANTED IN PART** and **DENIED IN PART**. The motion is **GRANTED** as to the defense raised under § 203(o) of the Fair Labor Standards Act and based on the Collective Bargaining Agreement in effect between the parties. Plaintiffs’ claims for pre- and post-shift donning and doffing of protective gear and hand washing as described in the Collective Bargaining Agreement that have accrued since April 13, 2006, are barred. Koch Foods motion is **DENIED** in all other respects.

“Koch Foods, LLC’s Motion for Summary Judgment on Count II (Claim for Compensation for Meal Period Time)” [doc. 96] is **DENIED**.

“Plaintiffs’ Motion for Court-Ordered Mediation” [doc. 158] is **GRANTED** to the extent it seeks court-ordered mediation. The parties are **ORDERED TO MEDIATE IN GOOD FAITH**. However, the court does not believe the thirty-day requirement in the plaintiffs’ motion is necessarily realistic or fair. Therefore, **on or before 60 days from the entry of this order** the parties **SHALL FILE** a **WRITTEN REPORT** informing the court of the **STATUS** of their mediation.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge